

152.5A Student record checks.

1. For the purposes of [this section](#):

a. “*Comprehensive preliminary background check*” means the same as defined in [section 135C.1](#).

b. “*Nursing program*” means a nursing program that is approved by the board pursuant to [section 152.5](#).

c. “*Student*” means a person applying for, enrolled in, or returning to the clinical education component of a nursing program.

2. Prior to a student beginning or returning to a nursing program, the nursing program shall do one of the following in substantial conformance with the provisions of [section 135C.33](#):

a. Request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the student in this state.

b. Access the single contact repository to perform the required record checks.

3. a. If a program accesses the single contact repository to perform the required record checks pursuant to [subsection 2](#), the program may utilize a third-party vendor to perform a comprehensive preliminary background check to allow a student to provisionally participate in the clinical education component of the nursing program pending completion of the required record checks through the single contact repository and the evaluation by the department of human services, as applicable, subject to all of the following:

(1) If the comprehensive preliminary background check determines that the student being considered for provisional participation has been convicted of a crime, but the crime does not constitute a felony as defined in [section 701.7](#) and is not a crime specified pursuant to [chapter 708](#), [708A](#), [709](#), [709A](#), [710](#), [710A](#), [711](#), or [712](#), or pursuant to [section 726.3](#), [726.27](#), or [726.28](#).

(2) If the comprehensive preliminary background check determines the student being considered for provisional participation does not have a record of founded child abuse or dependent adult abuse, or if an exception pursuant to [section 135C.33](#), [subsection 4](#), is applicable to the student.

(3) If the program has requested an evaluation in accordance with [section 135C.33](#), [subsection 2](#), paragraph “a”, to determine whether the crime warrants prohibition of the student’s provisional participation.

b. The provisional participation under this [subsection 3](#) may continue until such time as the required record checks through the single contact repository and the evaluation by the department of human services, as applicable, are completed.

4. If a student has a criminal record or a record of founded child or dependent adult abuse, upon request of the nursing program, the department of human services shall perform an evaluation to determine whether the record warrants prohibition of the student’s involvement in a clinical education component of a nursing program involving children or dependent adults. The department of human services shall utilize the criteria provided in [section 135C.33](#) in performing the evaluation and shall report the results of the evaluation to the nursing program. The department of human services has final authority in determining whether prohibition of the student’s involvement in a clinical education component is warranted.

[2015 Acts, ch 56, §11](#); [2020 Acts, ch 1029, §6](#)

Referred to in [§235A.15](#), [235B.6](#)

Department of inspections and appeals to post list of third-party vendors eligible to conduct comprehensive preliminary background checks; [2020 Acts, ch 1029, §7](#)

[0]Section not amended; internal reference changes applied